

III. REMARKS

1. Claims 1-18 remain in the application. Claims 12 and 15 have been amended.

2. Applicants wish to express their appreciation for the indication that claims 1-11 are allowed.

3. Claim 11 has been amended to correct a typographical error.

4. Applicants also wish to express their appreciation for the clarification of the US USC 112 rejection of claims 12 and 15. Claims 12 and 15 have been amended to overcome this rejection.

The amendments to the claims are not limiting, are not made for reasons related to patentability, and do not raise issues of estoppel.

5. Applicants respectfully submit that claims 12, 15, and 17 are not anticipated by Snowden et al. (US 5,974,032, "Snowden").

Snowden fails to disclose or suggest exchanging a plurality of data units between a network element and a mobile terminal, where at least one data unit includes a status bit indicating that flow control in transmitting data terminal equipment is active or inactive, as recited by claims 12 and 15.

In the present invention, the mobile terminal is arranged to analyze the received data flow, and uses the existing information therein to decide whether a correct radio resource is used for the transmission or not. If the radio resource is insufficient, the mobile terminal will initiate negotiations for radio resource upgrading. If the radio resource is excessive, the mobile terminal will initiate negotiations for radio

resource downgrading. Data packets, which are transmitted to the mobile terminal, comprise a status bit. The status bit indicates if the data packet in question is full or not. The mobile station initiates negotiations on the basis of the status bit indication.

The Examiner states on page 3 of the present Office Action that in Snowden: "At least one data unit includes a bit rate indicator 460 (status bit) which is analyzed by the call receivers...".

When carefully reading the teaching of Snowden (e.g. Col. 5, lines 21 to 35 and Col. 17, lines 11 to 15), it is clear that a bit rate indicator (460) informs a demodulator (37) of a modulation frequency of the transmitted data. On the basis of this information the demodulator (37) is able to automatically use the right modulation frequency when it opens a packet.

Applicant respectfully submits that an indication of modulation frequency does not indicate flow control. Page 8, line 26 through page 9, line 5 of the present application describes the flow control process which is plainly different and distinct from the operations disclosed by Snowden. It is clear that one skilled in the art would understand that Snowden's optimum bit rate indicator (460) is not the same thing as the status bit of the present invention. Snowden does not cause or implement functions similar to those described in the claims of the present invention.

At least for these reasons, Applicants respectfully submit that independent claims 12 and 15, and dependant claim 17 are not anticipated by Snowden.

6. Applicants respectfully submit that claims 13, 14, 16 and 18 are patentable over the combination of Snowden in view of Suzuki (US 6,044,067).

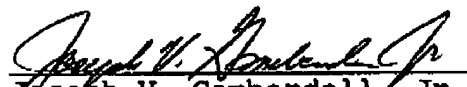
Suzuki, like Snowden, fails to disclose or suggest at least one data unit that includes a status bit indicating that flow control in transmitting data terminal equipment is active or inactive.

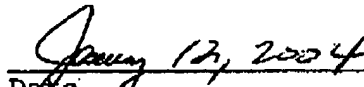
At least for these reasons, Applicants respectfully submit that the combination of Snowden and Suzuki fails to disclose or suggest all the features of the present invention and that the combination fails to render claims 13, 14, 16 and 18 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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